

MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT OF 2002 (SECTION 921: GRANTS TO HEALTH CARE PROVIDERS TO IMPLEMENT ELECTRONIC PRESCRIPTION DRUG PROGRAMS)

JUNE 26, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TAUZIN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 4989]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4989) to amend the Public Health Service Act to provide for grants to health care providers to implement electronic prescription drug programs, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 4989 is intended to provide health care professionals with funding to ensure that they can quickly implement programs of electronic prescribing.

## BACKGROUND AND NEED FOR LEGISLATION

Section 1860C(d)(3) requires that prescriptions be submitted via electronic technology, except in emergency circumstances. Electronic prescriptions are a highly effective method to help reduce and often eliminate medication errors that increase the costs to the health care system. Electronic prescribing technologies also help to save beneficiaries on each prescription by aiding in formulary compliance. Many health care practitioners are using, or are planning to use, electronic prescribing technology. The Committee believes that it is important to provide funding to health care professionals so that they can quickly adopt electronic prescription technologies into their practices.

## HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation.

## COMMITTEE CONSIDERATION

On Thursday, June 20, 2002, the Full Committee met in open markup session and favorably ordered reported a Committee Print on Promotion of Electronic Prescription by voice vote, without amendment, a quorum being present. Chairman Tauzin then introduced H.R. 4989 to reflect the Committee's action.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 4989 reported. A motion by Mr. Tauzin to order H.R. 4989 reported to the House, without amendment, was agreed to by a voice vote.

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H.R. 4989 will provide grants to health care professionals to help them acquire the necessary equipment and training necessary to institute electronic prescribing programs into their practices.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4989, to amend the Public Health Service Act to provide for grants to health care providers to implement electronic prescription drug programs, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, which is included in the report to accompany H.R. 4984.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 is included in the report to accompany H.R. 4984.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. The estimate is included in the report to accompany H.R. 4984.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 921. Program of Grants to Health Care Providers to Implement Electronic Prescription Drug Programs*

Section 921 authorizes the Secretary to make grants for the purpose of assisting health care professionals who prescribe drugs and biologicals in implementing electronic prescription programs. Grants may only be made pursuant to a grant application submitted in a time, manner, and form approved by the Secretary. Such sums as are necessary are authorized to be appropriated for FY 2004 to carry out this legislation.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic

and existing law in which no change is proposed is shown in roman):

## PUBLIC HEALTH SERVICE ACT

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### TITLE III—GENERAL POWERS AND DUTIES OF PUBLIC HEALTH SERVICE

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## PART P—ADDITIONAL PROGRAMS

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#### **SEC. 3990. GRANTS TO HEALTH CARE PROVIDERS TO IMPLEMENT ELECTRONIC PRESCRIPTION DRUG PROGRAMS**

*(a) IN GENERAL.—The Secretary is authorized to make grants for the purpose of assisting health care providers who prescribe drugs and biologicals in implementing electronic prescription programs described in section 1860C(d)(3) of the Social Security Act.*

*(b) APPLICATION.—No grant may be made under this section except pursuant to a grant application that is submitted in a time, manner, and form approved by the Secretary.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2004, such sums as may be appropriate to carry out this section.*

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